

REMARKS

In the action dated July 29, 2005, claims 1-4 and 8-17 were rejected as being anticipated by Yoshida et al. (2004/0045953) and claims 5-7 and 18-27 were rejected as being unpatentable over Yoshida in view of Mori (4,932,485).

Claims 1, 7, 8, 18, 19, 21, 22 and 23 have been amended above. Claims 1-27 remain pending.

Claim Rejections – 35 USC 102

The rejection of claims 1-4 and 8-17 as being anticipated by Yoshida is respectfully traversed.

Yoshida teaches a thermal activation system that uses specific techniques for activating adhesive of label stock using specific patterns and pulse techniques by which optimum adhesive strength can be achieved according to the use thereof. Yoshida teaches making certain parts of a label very adhesive and other parts of a label slightly adhesive. However, Yoshida does not teach printing promotion offers on a given portion of label stock and tying the printing of a promotion offer to preventing activation of the adhesive of the given portion of label stock. Moreover, claims 1 and 8 have both been amended to more clearly point out that the promotion offer ("promotion" in the case of claim 8) that is printed on a given portion of the label stock is selected based upon a product identifying code of a given product that is different than the promoted product, where product pricing information for the given product is printed on a particular portion of the label stock that is adjacent the given portion. Yoshida contains no teaching pertinent to this feature. Accordingly, Yoshida fails to anticipate either claim 1 or claim 8, and withdrawal of the rejection is requested.

Claim Rejections – 35 USC 103

The rejection of claims 5-7 and 18-27 as being unpatentable over Yoshida in view of Mori is respectfully traversed.

Addressing claims 5-7 and 18, such claims depend from claims 1 and 8 respectively. Notably, as pointed out above, amended claims 1 and 8 recite that the promotion offer ("promotion" in the case of claim 8) that is printed on a given portion of the label stock is

selected based upon a product identifying code of a given product that is different than the promoted product, where product pricing information for the given product is printed on a particular portion of the label stock that is adjacent the given portion. Neither Yoshida nor Mori teach this feature. Specifically, Mori discloses an electronic scale device that also includes electronic cash register functions. The electronic scale includes a rebate accumulation function by which customer data files are maintained. For each weighing operation at the Mori scale, the customer is identified by the scale (as by scanning the bar code of a customer ID card) and the scale determines whether the item being weighed/priced is an item eligible for inclusion in the rebate accumulation. If so, a stored "total amount eligible for rebate" is incremented by the purchase price of the item. A stored "rebate" or "number of points" can also be updated. Mori teaches that accumulated rebate information can be batchwise printed on a label or receipt at a later point in time for mailing to the customer (see Fig. 10 and the description at col. 7, line 6 through col. 8, line 24). Thus, Mori fails to teach that a promotion offer is selected and printed based upon a given product that is different than the promoted product, with the promotion offer printed on a given portion of label stock that is adjacent a particular portion of label stock on which product pricing information for the given product is printed. As a result, the combination of Yoshida and Mori fails to make out a *prima facie* case of obviousness of claim 1 or claim 8. Dependent claims 5-7 and 18 are patentable for at least the same reasons.

Addressing claim 19, such claim has also been amended to specify that a promotion offer is selected and printed based upon identity of a given product that is different than the promoted product, with the promotion offer label and product pricing label output one after the other. Again, Yoshida does not teach of promotion offer labels. Mori does not teach producing a promotion offer label and product pricing label one after the other, where the promoted product is selected based upon identity of a given product for which product pricing information is printed on the product pricing label. Accordingly, the combination of Yoshida and Mori does not render claim 19 obvious. Claims 20 and 21 are patentable for at least the same reasons.

Claim 22 has been amended to clarify that the promoted product is different than the given product and the promotion information is established based at least in part upon identity of the given product. In the resulting label that is produced, the product pricing portion is adhesive (i.e., adhesive has been activated) and the promotion offer portion is non-adhesive (i.e., its adhesive has not been activated). Again, the combination of Yoshida and Mori fails to teach

production of such a label with both product pricing portion and promotion offer portion. Claims 23 and 24 are patentable for at least the same reasons.

Claim 25 clearly requires that at least a size characteristic of a promotion offer label is selected based upon a product code identified to the label printing mechanism. In this manner different size promotion offer labels can be produced without changing label stock. Neither Yoshida nor Mori teach selecting the size of a promotion offer label based upon such a product code. Again, Mori merely teaches a scale that includes a rebate accumulation function by which customer data files are maintained, and that accumulated rebate information can be batchwise printed on a label or receipt at a later point in time for mailing to the customer. Claims 26 and 27 are patentable for the same reasons.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The examiner may contact the undersigned attorney with any questions regarding this response.

Respectfully submitted,

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